



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Steven D. Girouard et al.

Title: METHOD AND APPARATUS FOR DEVICE CONTROLLED GENE EXPRESSION

Docket No.: 279.696US1

Serial No.: 10/788,906

Filed: February 27, 2004

Examiner: Jessica L. Reidel

Group Art Unit: 3766

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

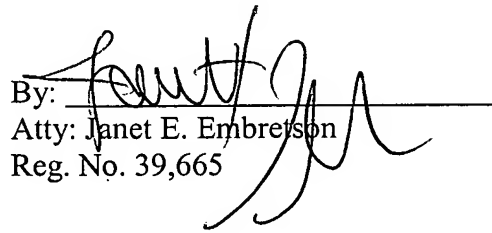
We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ Return postcard.
- ☒ Communication Concerning Related Applications (1 pg.).
- ☒ Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (1 pg.), and copies of 13 cited documents.

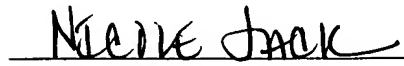
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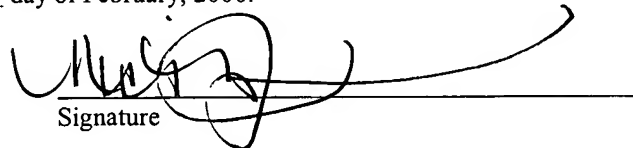
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

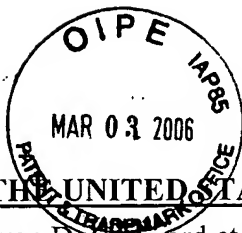
By:   
Atty: Janet E. Embretson  
Reg. No. 39,665

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Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(GENERAL)



S/N 10/788,906

PATENT

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Title: METHOD AND APPARATUS FOR DEVICE CONTROLLED GENE  
EXPRESSION

COMMUNICATION CONCERNING RELATED APPLICATIONS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants would like to bring to the Examiner's attention the following related applications in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date/Issue Date</u>	<u>Attorney Docket</u>	<u>Title</u>
11/276,077	February 13, 2006	279.A01US1	METHOD AND APPARATUS FOR HEAT OR ELECTROMAGNETIC CONTROL OF GENE EXPRESSION

Continuations and divisionals may be later filed on the cases listed above, or cited to the Examiner in any previous Communication Concerning Related Applications. Applicants request that the Examiner review all continuations and divisionals of the above-listed or previously-cited patent applications before allowing the claims of the present patent application.

Respectfully submitted,

STEVEN D. GIROUARD ET AL.

By Applicants' Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6959

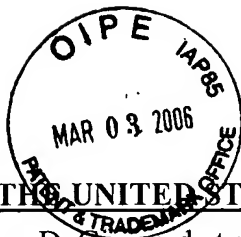
Date February 28, 2006 By [Signature]  
Janet E. Embretson  
Reg. No. 39,663

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[Signature]  
Name

[Signature]  
Signature

S/N 10/788,906



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven D. Girouard et al.	Examiner:	Jessica L. Reidel
Serial No.:	10/788,906	Group Art Unit:	3766
Filed:	February 27, 2004	Docket:	279.696US1
Title:	METHOD AND APPARATUS FOR DEVICE CONTROLLED GENE EXPRESSION		

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Supplemental Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Supplemental Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Supplemental Information Disclosure Statement considered.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Serial No :10/788,906

Filing Date: February 27, 2004

Title: METHOD AND APPARATUS FOR DEVICE CONTROLLED GENE EXPRESSION

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Dkt: 279.696US1

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any US Patents or Published Applications cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,  
STEVEN D. GIROUARD ET AL.

By their Representatives,  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6959

Date February 28, 2006

By [Signature]  
Janet E. Embretson  
Reg. No. 39,665

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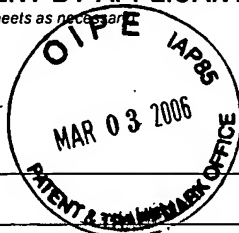
Name Nicole Jack

[Signature]  
Signature

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)



Complete if Known

Application Number	10/788,906
Filing Date	February 27, 2004
First Named Inventor	Girouard, Steven
Group Art Unit	3766
Examiner Name	Reidel, Jessica

Sheet 1 of 1

Attorney Docket No: 279.696US1

**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-2002/0055705A1	05/09/2002	Talpade, Dnyanesh, et al.	10/08/1999
	US-2002/0183682A1	12/05/2002	Darvish, Nissim, et al.	06/14/2002
	US-2003/0026784A1	02/06/2003	Koch, Walter J., et al.	06/28/2002
	US-2003/0045830A1	03/06/2003	de Bizemont, Therese, et al.	04/17/2001
	US-2006/0015146A1	01/19/2006	Girouard, S. D., et al.	07/14/2004
	US-5,387,419	02/07/1995	Levy, R. J., et al.	03/26/1993
	US-5,944,710	08/31/1999	Dev, S. B., et al.	06/24/1996

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T <sup>2</sup>
	WO-9815317	04/16/1998	Prutchi, David, et al.	
	WO-9904851	02/04/1999	Shapland, J. E., et al.	
	WO-9936563	07/22/1999	Walsh, Robert, et al.	

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		"International Search Report for Application No. PCT/US2005/006069, date mailed October 20, 2005", 19 Pages	
		AVITALL, B., "Iontophoretic transmyocardial drug delivery. A novel approach to antiarrhythmic drug therapy.", <i>Circulation</i> , 85(4), (Apr., 1992), 1582-93	
		BOVENBERG, W. A., et al., "Expression of recombinant human insulin-like growth factor I in mammalian cells", <i>Mol Cell Endocrinol.</i> , 74(1), (Nov. 12, 1990), 45-59.	
		FREY, NORBERT, et al., "Decoding calcium signals involved in cardiac growth and function", <i>Nature Medicine</i> 6(11), (2000), 1221-1227	
		GUNATILLAKE, PATHIRAJA A., et al., "Biodegradable Synthetic Polymers for Tissue Engineering", <i>European Cells and Materials</i> 5, (2003), 1-16	
		KANIKKANNAN, NARAYANASAMY, "Iontophoresis-Based Transdermal Delivery Systems", <i>Biodrugs</i> 16(5), (2002), 339-347	
		MACGOWAN, G. A., et al., "New molecular insights into heart failure and cardiomyopathy: potential strategies and therapies", <i>Ir J Med Sci.</i> , 171(2), (Apr.-Jun., 2002), 99-104	
		ODUIT, GAVIN Y., et al., "The Molecular Physiology of the Cardiac Transient Outward Potassium Current (Ito) in Normal and Diseased Myocardium", <i>J Mol Cell Cardiol</i> 33, (2001), 851-872	
		RECER, P., "Researchers find first heart attack gene", <i>AP Science News, Science: www.science.org</i> , (2003)	
		WURM, F. M., et al., "Inducible overproduction of the mouse c-myc protein in mammalian cells", <i>Proc Natl Acad Sci U S A.</i> , 83(15), (Aug., 1986), 5414-8	

**EXAMINER****DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.<sup>1</sup> Applicant's unique citation designation number (optional) <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached